

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM JEWETT, JR.

Petitioner,

v.

Civil Action No. 05-11849-GAO

BERNARD BRADY

Respondent.

RESPONDENT'S MOTION TO DISMISS

The respondent, Bernard Brady, the Superintendent of the Old Colony Correctional Center, respectfully moves this Court to dismiss the above-captioned petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on the ground that the petition contains exhausted and unexhausted claims. *See Rose v. Lundy*, 455 U. S. 509, 518-519 (1982). The respondent relies on the accompanying memorandum of law in support of his motion to dismiss.

WHEREFORE, for the foregoing reasons, the respondent requests that this Court dismiss this action in its entirety pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted,

THOMAS F. REILLY
Attorney General

Gregory W. Reilly
Legal Intern
On the Motion

/s/ Eva M. Badway
Eva M. Badway
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2824
BBO # 635431

Dated: November 10, 2005

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2005, I caused a copy of the above document to be served by first-class mail, postage prepaid, upon William Jewett, Jr., *pro se*, Old Colony Correctional Center, 1 Administration Road, Bridgewater, MA 02324.

/s/ Eva M. Badway
Eva M. Badway